

## **REMARKS**

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 3, 4, 6, and 8 are amended. Accordingly, claims 1-8 are pending in the application.

### **I. Claims Rejected Under 35 U.S.C. § 101**

Claims 1-8 stand rejected under 35 U.S.C. § 101 for being non-statutory subject matter.

In regard to independent claims 1 and 4, the Examiner on page 2 of the Office Action has asserted that claims 1-8 are drawn to “a device of a speech CODEC which estimates a pitch of an input speech signal,” but then goes on to assert that “the final result of claims 1 and 4-5 only refer to processing and analyzing the input speech signal to determine a candidate pitch.” The Applicants believe that the Examiner has alleged that claims 1 and 4 fail to recite limitations that refer to estimating a pitch. However, the Examiner has failed to consider the claim language of “a pitch estimation unit which estimates a pitch . . . ,” as recited in claim 1 and “estimating a pitch between the candidate for a pitch and the lag . . . ,” as recited in claim 4. Because claims 1 and 4 are directed to an “open-loop pitch estimation device” and a “method of estimating a pitch,” respectively, and recite claim language that refers to “a pitch estimation unit” and “estimating a pitch,” respectively, the Applicants respectfully submit that these claims produce a useful, concrete, and tangible result. Therefore, claims 1 and 4 are directed toward statutory subject matter for at least the foregoing reasons. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claims 1 and 4.

In regard to dependent claims 2, 3, and 5-7, these claims depend from claims 1 and 4 and incorporate the limitations thereof. Therefore, for at least the reasons discussed in connection with claims 1 and 4, these claims are directed to statutory subject matter. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claims 2, 3, and 5-7.

In regard to claim 8, this claim has been amended to recite the limitations of a “machine readable storage medium which has instructions stored therein . . . .” In addition, the Applicants have amended paragraph [0051] on page 10, lines 19-21, of the Specification to remove the reference to “carrier waves” in describing computer usable medium. Therefore, in light of these amendments, the Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claim 8.

## **II. Claims Rejected Under 35 U.S.C. § 102**

Claims 1-2, 4-5, and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,804,639 issued to Ehara (hereinafter “Ehara”). To establish an anticipation rejection the Examiner must show that the cited reference teaches each element of a claim.

In regard to independent claims 1 and 4, these claims, as amended, recite the limitations of “a lag smaller than a predetermined threshold as the candidate for a pitch.” The Applicants respectfully submit that the cited limitation is supported, for example, by page 8, lines 13-15, and page 10, lines 11-12, of the Specification. The portion of Ehara relied upon by the Examiner teaches that the device selects only pitch lags that provide the normalized auto-correlation functions *exceeding the threshold* rather than “a lag smaller than a predetermined threshold,” as recited in claims 1 and 4. See Ehara, column 18, line 63 - column 19, line 5. Therefore, for at least these reasons, Ehara fails to teach each element of claims 1 and 4. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claims 1 and 4.

In regard to claims 2, 5, and 7, these claims depend from base claims 1 and 4. Therefore, for at least the reasons discussed in connection with claims 1 and 4, these claims are not anticipated by Ehara. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claims 2, 5, and 7.

### **III. Allowable Subject Matter**

Applicants note with appreciation that claims 3 and 6 are allowed. Claims 3 and 6 depend from independent claims 1 and 4, respectively. Therefore, for at least the reasons discussed above, claims 1 and 4 are not anticipated by Ehara. Thus, since claims 3 and 6 are dependent from allowable base claims 1 and 4, the Applicants believe claims 3 and 6 are in condition for allowance without rewriting them in independent form. Accordingly, the claims, as they now stand, are in condition for allowance and such action is earnestly solicited.

## CONCLUSION

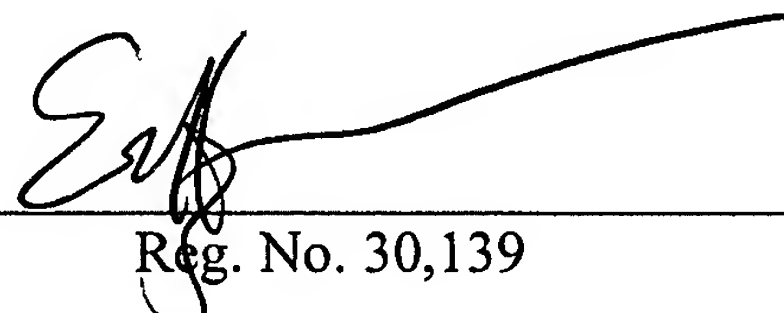
In view of the foregoing, it is believed that all claims now pending, namely claims 1-8, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/6, 2007

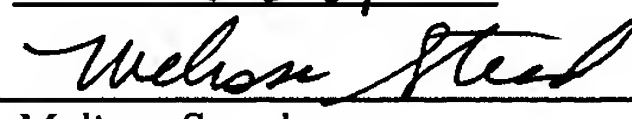
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